

Message Text

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PAGE 01 PANAMA 03396 161603Z
ACTION ARA-14

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E.O. 11652: N/A
TAGS: PINT, PN
SUBJECT: SUPREME COURT UPHOLDS SUPPRESSION OF POLITICAL
PARTIES

REF: PANAMA 0707

1. PANAMA'S SUPREME COURT, IN A MAY 9 DECISION, UNANIMOUSLY UPHELD THE CONSTITUTIONALITY OF A 1969 DECREE SUPPRESSING POLITICAL PARTIES. AS REPORTED REFTEL, LIBERAL PARTY PRESIDENT DAVID SAMUDIO FILED A WRIT BEFORE THE SUPREME COURT ON JANUARY 7, ASKING A JUDGMENT OF THE CONSTITUTIONALITY OF ARTICLE 1 OF CABINET DECREE 58 OF 1969, BY WHICH POLITICAL PARTIES ACTIVE AT THE CONCLUSION OF THE 1968 ELECTIONS WERE SUPPRESSED. IN A PREVIEW OF THE SUPREME COURT'S DECISION, THE ATTORNEY GENERAL ISSUED A FORMAL OPINION ON THE QUESTION ON JANUARY 30, ASSERTING THAT THE DECREE WAS CONSTITUTIONAL AND THAT THE FORMATION OF POLITICAL PARTIES WAS A MATTER SUBJECT TO THE "DISCRETIONARY" POWER OF LEGISLATIVE AUTHORITY.

2. IN ITS DECISION, THE SUPREME COURT CONCLUDED THAT
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PAGE 02 PANAMA 03396 161603Z

THE DECREE DID NOT CONFLICT WITH ANY ARTICLE OR NORM OF THE CONSTITUTION. ALTHOUGH THE DECISION WAS UNANIMOUS, ONE MAGISTRATE REPORTEDLY FILED A SEPARATE OPINION, STATING THAT SHE SHARED THE MAJORITY DECISION BUT DIFFERED WITH SOME OF THE RATIONALE INVOLVED IN ARRIVING AT THAT CONCLUSION. WHEN OBTAINED, THE FULL TEXT OF THE 66 PAGE DOCUMENT COMPRISING THE DECISION

WILL BE ANALYZED AND REPORTED.

3. COMMENT: THE SUPREME COURT'S STANCE ON THIS ISSUE
WOULD HAVE BEEN SUPRISING HAD IT BEEN ANYTHING OTHER
THAN WHAT IT WAS, GIVEN THE JUDICIAL BRANCH'S COMP-
LAISANCE TO THE WISHES OF THE TORRIJOS GOVERNMENT
WHICH CREATED IT. IT REITERATES THE GOVERNMENT'S
MESSAGE TO THE POLITICAL PARTIES THAT, WHEN THEY ARE
LEGALIZED, IT WILL BE ON THE GOVERNMENT'S TERMS AND
IN THE GOVERNMENT'S GOOD TIME. JORDEN

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